



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,406	10/05/2001	Xiaode Xu	062891.0657	3917

5073 7590 04/29/2004

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
----------	--------------

2683

2

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,406

Applicant(s)

XU ET AL.

Examiner

Joseph D Nguyen

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumaki et al. (6,473,411).

Regarding claim 1, Kumaki et al. disclose a method for handover execution in a wireless environment (abstract, fig. 5-6, col. 10 line 11 thru col. 12 line 39), comprising:

a) communicating, by a mobile network, a handover command message to a physical layer of a mobile station to initiate a handover execution, the handover command message being received by the physical layer and the physical layer responding to the handover command message by tuning to a handed to frequency and by communicating physical layer bursts over the handed to frequency to the mobile network such that initial timing advance and power control setting characteristics are determined by the mobile network (abstract, fig. 15-16, col. 10 line 11 thru col. 14 line 47, and col. 17 lines 5-35, col. 19 line 56 thru col. 21 line 28); and

Art Unit: 2683

b) communicating a cease signal, by the mobile network, to the mobile station to stop communicating the physical layer bursts, the mobile station responding to the cease signal by ending the transmission of the physical layer bursts and by establishing a new communications link over the handed to frequency with the mobile network, wherein once the new communications link is established the mobile station and the mobile network couple to a voice path such that a wireless communication associated with the mobile station and the mobile network is facilitated (abstract, fig. 23-25, col. 19 line 56 thru col. 21 line 29, col. 40 lines 7-41, col. 44 line 26 thru col. 46 line 49, col. 47 line 35 thru col. 48 line 45, and (col. 52 line 65 thru col. 54 line 50).

Regarding claim 2, Kumaki et al. further discloses the method of Claim 1, wherein communicating the handover command message to initiate the handover execution to the physical layer comprises communicating the handover command message through a radio resource management (RRM) layer (abstract, fig. 42, col. 17 lines 5-15), a data link layer (col. 56 lines 26-63), and a physical layer (network layer) associated with the mobile network (abstract, and fig. 42-45).

Regarding claim 3, Kumaki et al. further disclose the method of Claim 2, further comprising suspending signaling (temporarily stopped) of a non-handover status, by the physical layer of the mobile station, in response to the handover command message that is communicated by the mobile network (col. 54 lines 20-41) .

Regarding claim 4, Kumaki et al. further discloses the method of Claim 1, further comprising completing a handover decision associated with the mobile station and the

Art Unit: 2683

mobile network before the handover command message is communicated by the mobile network (col. 22 lines 34-46, col. 25 lines 10-22).

Regarding claim 5, Kumaki et al. further discloses the method of Claim 1, wherein once the new communications link is established between the mobile station and the mobile network, the mobile station communicates a signal to the mobile network indicating completion (notified the handoff completion) of the handover execution (col. 25 lines 10-22).

Regarding claim 6, Kumaki et al. discloses a method for handover execution in a wireless environment, comprising:

a) receiving, from a mobile network, a handover command message to initiate a handover execution, the handover command message being received by a physical layer of a mobile station (abstract, fig. 15-16, col. 10 line 11 thru col. 14 line 47, and col. 17 lines 5-35, col. 19 line 56 thru col. 21 line 28);

b) tuning, by the physical layer, to a handed to frequency (channel) (col. 10 lines 54-67);

c) communicating, by the physical layer, physical layer bursts over the handed to frequency to the mobile network such that initial timing advance and power control setting characteristics are determined by the mobile network (abstract, fig. 15-16, col. 10 line 11 thru col. 14 line 47, and col. 17 lines 5-35, col. 19 line 56 thru col. 21 line 28);

d) receiving, from the mobile network, a cease signal indicating to stop communicating the physical layer bursts (abstract, fig. 23-25, col. 19 line 56 thru col. 21

Art Unit: 2683

line 29, col. 40 lines 7-41, col. 44 line 26 thru col. 46 line 49, and col. 47 line 35 thru col. 48 line 45);

e) ending (stopped), by the physical layer, the transmission of the physical layer bursts (col. 52 line 65 thru col. 54 line 50); and

f) establishing a new communications link over the handed to frequency with the mobile network, wherein once the new communications link is established the mobile station and the mobile network couple to a data path such that a wireless communication associated with the mobile station and the mobile network is facilitated (col. 45 line 51 thru col. 46 line 35).

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1, the software embodied in a computer readable media for performing handover execution in a wireless environment inherently executes the method steps.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 2.

Art Unit: 2683

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 6, the software embodied in a computer readable media for performing handover execution in a wireless environment inherently executes the method steps.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 21, Kumaki et al. disclose a system for handover execution in a wireless environment (abstract, fig. 5-6, col. 10 line 11 thru col. 12 line 39), comprising:

a) communicating, by a mobile network, a handover command message to a physical layer of a mobile station to initiate a handover execution, the handover command message being received by the physical layer and the physical layer

Art Unit: 2683

responding to the handover command message by tuning to a handed to frequency and by communicating physical layer bursts over the handed to frequency to the mobile network such that initial timing advance and power control setting characteristics are determined by the mobile network (abstract, fig. 15-16, col. 10 line 11 thru col. 14 line 47, and col. 17 lines 5-35, col. 19 line 56 thru col. 21 line 28); and

b) communicating a cease signal, by the mobile network, to the mobile station to stop communicating the physical layer bursts, the mobile station responding to the cease signal by ending the transmission of the physical layer bursts and by establishing a new communications link over the handed to frequency with the mobile network, wherein once the new communications link is established the mobile station and the mobile network couple to a voice path such that a wireless communication associated with the mobile station and the mobile network is facilitated (abstract, fig. 23-25, col. 19 line 56 thru col. 21 line 29, col. 40 lines 7-41, col. 44 line 26 thru col. 46 line 49, and col. 47 line 35 thru col. 48 line 45). However, Kumaki et al. does not specifically disclose the mobile station and the mobile network couple to a voice path such that a wireless communication associated with the mobile station and the mobile network is facilitated. But it is well known in the art that the mobile station and mobile network is used to communicate voice and data.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 3.

Art Unit: 2683

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 26. Kumaki et al discloses a system for handover execution in a wireless environment, comprising:

a) receiving, from a mobile network, a handover command message to initiate a handover execution, the handover command message being received by a physical layer of a mobile station (abstract, fig. 15-16, col. 10 line 11 thru col. 14 line 47, and col. 17 lines 5-35, col. 19 line 56 thru col. 21 line 28);

b) tuning, by the physical layer, to a handed to frequency (channel) (col. 10 lines 54-67);

c) communicating, by the physical layer, physical layer bursts over the handed to frequency to the mobile network such that initial timing advance and power control setting characteristics are determined by the mobile network (abstract, fig. 15-16, col. 10 line 11 thru col. 14 line 47, and col. 17 lines 5-35, col. 19 line 56 thru col. 21 line 28);

d) receiving, from the mobile network, a cease signal indicating to stop communicating the physical layer bursts (abstract, fig. 23-25, col. 19 line 56 thru col. 21 line 29, col. 40 lines 7-41, col. 44 line 26 thru col. 46 line 49, and col. 47 line 35 thru col. 48 line 45);

e) ending (stop), by the physical layer, the transmission of the physical layer bursts (col. 53 lines 13-19, and col. 47 lines 49-62); and

Art Unit: 2683

f) establishing a new communications link over the handed to frequency with the mobile network, wherein once the new communications link is established the mobile station and the mobile network couple to a data path such that a wireless communication associated with the mobile station and the mobile network is facilitated (col. 45 line 51 thru col. 46 line 35).

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 5.

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label "PROPOSED" OR "DRAFT")

Art Unit: 2683

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Apr. 24, 2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600